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June 10, 1955.

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CONCORD, N.H.

Mr. Sule J. Tani, Planning Director
H. H. State Planning & Development Commission
State House Annex
Concord, New Hampshire

Dear Sir:

You have requested an opinion from this office relative to whether or not the Planning and Development Commission has the necessary authority to enter into contracts with private planning consultants for the purpose of providing planning assistance to communities. Such contracts to be financed with federal-local funds made available to your department to meet the provisions of Title VII, Urban Planning Assistance program, Housing Act of 1954.

As I indicated to you in my letter of February 4, 1955 your Commission shall "encourage by advisement planning by cities and towns or groups of cities and towns." It is my opinion that in order to effectively carry out the powers delegated to your Commission by the Legislature that you have the additional powers necessary in the performance of the specific functions outlined by the statute. Therefore, if it is necessary to contract with private planning consultants to carry out such planning activities your Commission has that power.

It is noted, however, that contracts of this nature entered into between the Commission and an outside planning agency is a contract which purports to bind the State of New Hampshire. Such a contract must be entered into with the understanding that its terms should include binding the state only to the extent of federal

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and local funds held by your Commission and available for the purpose of the contract. There is no authority in your department to bind the state in excess of these funds under this type of arrangement.

Very truly yours,

Arthur E. Bean, Jr.
Assistant Attorney General

ANB, Jr./L

Encl.